

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: May 20, 2015
---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA

-v-

ROSS WILLIAM ULBRICHT,  
Defendant.

----- X  
KATHERINE B. FORREST, District Judge:

14 Cr. 68 (KBF)

ORDER

The Court has been reviewing the mitigation materials provided by defendant and has several questions.

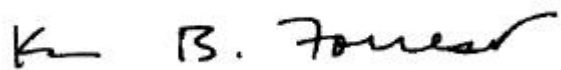
1. Can defendant provide the Court a complete copy of all of Dr. Caudevilla's communications with DPR (including, but not limited to, his weekly reports and private messages)? Defendant has attached two excerpts at Exs. 6 and 7 to the Lewis Declaration; the Court would like a complete set.
2. In the Declaration of Tim Bingham, he states, "I did not encounter a single customer whose first drug purchase was on the Silk Road website." (Bingham Decl. ¶ 6(f).) What is this based on? Was there a specific question posed in this regard? Please provide the Court the [form of] questionnaire.  
  
—Similarly, what is Bingham's conclusion in ¶ 6(j) based on? (See Bingham Dec. ¶ 6(j) ("I also did not encounter any Silk Road user who would have stopped purchasing drugs entirely if unable to do so on Silk Road.")) Please provide the Court the [form of] questionnaire.

—Relatedly, in footnote 2, Bingham states that certain users found that “Silk Road provided them the opportunity to try drugs they would otherwise not have known to try or had access to.” (Bingham Decl. at 4 n.2.) Does Bingham’s conclusion in ¶ 6(j) take such new/introductory usage into account? In other words, if a user had only tried 2C after learning of it on Silk Road, did that user indicate that he/she would continue to purchase such drugs elsewhere if unable to do so on Silk Road?

3. Bingham references violence/safety concerns expressed by respondents. Were these concerns expressed by users or sellers or both (e.g., safety at the wholesale or retail level)?
4. In reaching their conclusions as to Silk Road’s safety, did Bingham and Ralston consider DPR’s commission of murders-for-hire? Is that relevant to their conclusions in this regard?
5. Dr. Caudevilla states in ¶ 10 of his declaration that, during his seven months of providing advice on Silk Road, he never came across a single report of a Silk Road–related overdose. Did he consider whether the posts of a number of users describing symptoms could have related to non-fatal overdoses (e.g., oldcactushand’s post dated May 31, 2013)?

SO ORDERED.

Dated: New York, New York  
May 20, 2015



---

KATHERINE B. FORREST  
United States District Judge